

REMARKS

Claims 1-4 are pending and under consideration in the above-identified application.

In the Office Action of March 16, 2011, claims 1-4 were rejected.

With this Amendment, claims 1 and 2 are amended.

I. Objection To Claims

Claims 1-4 were objected to for various informalities.

With this amendment, claims 1 and 2 are amended taking into consideration the Examiner's comments. Accordingly, the Applicants respectfully request the withdrawal of this objection.

II. 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph.

With this amendment, claims 1 and 2 are amended taking into consideration the Examiner's comments. Accordingly, the Applicants respectfully request the withdrawal of this rejection. .

III. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolle (U.S. Pat. No. 6,301,440).

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolle in view of Steinberg (U.S. Pat. No. 7,440,593).

Applicant respectfully traverses both of these rejections.

In relevant part, independent claim 3 recites an image determining unit that determines (a) the inputted image is a snapshot image when (i) a ratio of the total area of all of the faces to the total area the inputted image is not more than a predetermined value, or (ii) the ratio of the

total area of all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined number and that determines (b) the inputted image is a portrait image when (i) the ratio of the total area of all of the faces to the total area the inputted image more than a predetermined value, and (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is more than the predetermined value and the number of faces is less than or equal to a predetermined number. Claim 1 recites steps of performing the same.

This is clearly unlike Bolle which fails to disclose or even fairly suggest this feature. Instead, Bolle discloses determining if the face of a person is present in an image and then classifying the image as a close-up portrait, portrait or group picture based on the size of each face identified in the image, the amount of each body identified in the image and the number of faces identified. See, U.S. Pat. No. 6,301,440, Col 4, l. 26-45. This cannot be fairly viewed as determining the total area of all of the faces in an inputted image to the total area of the inputted image because Bolle only utilizes the size of the identified faces without calculating any ratio or relating the face area to the inputted image.

Steinberg fails to disclose anything pertaining to determining the ratio of the area of the identified cases to the area of an image.

As the Applicant's specification discloses, by providing an image determining unit that determines (a) the inputted image is a snapshot image when (i) a ratio of the total area of all of the faces to the total area the inputted image is not more than a predetermined value, or (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined number, and that determines (b) the inputted image is a portrait image when (i) the ratio of the total area of all of the faces to the total area the inputted image more than a

predetermined value, and (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is more than the predetermined value and the number of faces is less than or equal to a predetermined number, the accuracy of the image classification is improved. See, Specification at page 15.

Therefore, because each of Bolle, Steinberg and any combination of them fails to disclose or even fairly suggest every feature of claims 1 and 3, the rejection of claims 1 and 3 cannot stand. Because claims 2 and 4 depend, either directly or indirectly, from claims 1 and 3, they are allowable for at least the same reasons.

IV. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: June 10, 2011

By: /David R. Metzger/

David R Metzger
Registration No. 32,919
SNR Denton US LLP
P.O. Box 061080
Wacker Drive Station, Willis Tower
Chicago, Illinois 60606-1080
(312) 876-8000